

2013-1153  
(Re-examination No. 95/000,240)

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**United States Court of Appeals  
for the Federal Circuit**

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**INFINERA CORPORATION,**

*Appellee,*

v.

**CHEETAH OMNI, LLC,**

*Appellant.*

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Appeal From The United States Patent and Trademark Office, Board of Patent  
Appeals and Interferences.

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**CHEETAH OMNI'S STATEMENT OF NON-OPPOSITION TO  
INFINERA'S MOTION TO REINSTATE THE APPEAL**

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Dated: March 25, 2013

## **CERTIFICATE OF INTEREST**

Counsel for Appellant, Cheetah Omni, LLC, certifies the following:

1. The full name of every party or amicus represented by me is: Cheetah Omni, LLC.
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: NONE
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: NONE
4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are: BROOKS KUSHMAN P.C., Thomas A. Lewry, David S. Bir; BAKER POTTS L.L.P., Brian Gaffney.

Pursuant to Fed. Cir. Rule 27(b), Cheetah Omni, LLC does not oppose Infinera Corporation's Motion For Reinstatement of Appeal, Recall of the Mandate, and Grant of Infinera's Unopposed Motion for an Extension of Time to File its Opening (Blue) Brief.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

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Date: March 25, 2013

## **CERTIFICATE OF ELECTRONIC SERVICE AND FILING**

I certify that on March 25, 2013 I electronically filed the foregoing **CHEETAH OMNI'S STATEMENT OF NON-OPPOSITION TO INFINERA'S MOTION TO REINSTATE THE APPEAL** document using the Court's CM/ECF filing system. I further certify that I caused a copy of the foregoing document to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices.

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